

a resin layer including at least urethane resin, the microcapsule layer being positioned between the conductive film and the resin layer,  
 wherein the microcapsule is in contact with both of the conductive film and the resin layer.--

--8. An electrophoretic display device, comprising:

a conductive film;

a resin layer whose molecular weight is between 5000 to 2,000,000, the resin layer including at least a urethane resin;

a microcapsule layer sandwiched between the first and the second layer,

the microcapsule layer including at least a dispersion medium and a plurality of electrophoretic particles therein.--

#### REMARKS

Claims 1-8 are pending. By this Amendment, claims 1-4 are amended, claims 5-8 are added, and Fig. 3 is corrected by the attached Request for Approval of Drawing Correction. Reconsideration based on the above amendments and following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicants gratefully appreciate the courtesies extended to Applicants' representatives by Examiner Tran in the August 15 personal interview. The points discussed are incorporated into the following remarks.

#### **I. The Drawings Satisfy All Formal Requirements**

The Office Action objects to Fig. 3 as not being designated by a legend such as prior art. Fig. 3 is corrected by the attached Request for Approval of Drawing Correction to obviate the objection. Withdrawal of the objection to Fig. 3 is respectfully requested.

## II. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1, 2 and 4 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 6,252,564 to Albert et al. (hereafter "Albert"). The rejection is respectfully traversed.

### A. Claims 1, 2 and 4

Albert does not disclose a microcapsule layer having a binder that is a separate layer from a resin layer, as claimed in claim 1. Specifically, claim 1 recites a binder that is separate from the resin layer, and Albert does not disclose this feature.

The Office Action states that Albert teaches an adhesive layer 48 using urethane. However, Albert does not disclose which material is used for the adhesive layer 48, and further discloses that the binder 52 may be formed by urethane. Thus, Albert does not disclose a binder that is separate from urethane resin.

During the personal interview, Examiner Tran traversed the arguments discussed above. Specifically, during the personal interview, Examiner Tran asserted that Albert inherently discloses the feature discussed above since it discloses at column 12, lines 34-38, that the binder 52 can include "pressure-sensitive urethanes and adhesives", and that this disclosure inherently teaches that the separate adhesive layer 48 can be formed of urethane. This assertion is strenuously traversed.

The fact that Albert discloses that the binder 52 can be made of "pressure-sensitive urethanes and adhesives" has absolutely no bearing on what material the separate adhesive layer 48 is made out of. Albert does not provide any disclosure as to any correlation of materials between the binder 52 and the separate adhesive layer 48.

Further, Albert does not provide any disclosure to supply the requisite motivation to modify the disclosure of Albert to make up for the deficiency discussed above. Specifically, Albert does not provide any motivation to modify its disclosure such that the

adhesive layer 48 would be formed of urethane. In fact, the only possible motivation for such a modification is provided by Applicants' own disclosure, which constitutes impermissible hindsight reasoning.

Additionally, forming the resin layer from urethane as claimed in claim 1 provides unexpected advantages. Specifically, as disclosed at page 4, lines 18-22, of the specification, the inventors discovered that, by employing a urethane-based resin as the transparent resin, the display quality, in particular the display retention under high temperature, is remarkably improved. Thus, if it had been obvious to modify the disclosure of Albert to form the adhesive layer 48 out of urethane, then one would have done so to achieve the advantages discussed above. However, Examiner Tran has thus far found no such reference.

Thus, it is respectfully submitted that Examiner Tran's interpretation of the disclosure of Albert at column 12, lines 34-38, is completely improper.

**B. Claim 3**

Since claim 3 was indicated as allowable, claim 3 is amended to be in independent form. Thus, it is respectfully submitted that claim 3 is allowable.

**C. Claims 7 and 8**

New claim 7 recites that the microcapsule is in contact with both the conductive film and the resin layer. Albert does not disclose this feature, and instead discloses a structure wherein the microcapsule float is in the dispersion medium.

New claim 8 recites the molecular weight of the resin layer. This feature is not disclosed in Albert.

**D. Summary**

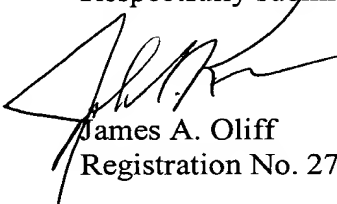
For at least these reasons, it is respectfully submitted that the claims are distinguishable over the applied art. Withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

**III. Conclusion**

For at least the reasons discussed above, it is respectfully submitted that this application is in condition for allowance.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

John S. Kern  
Registration No. 42,719

JAO:EDM/gam

**Attachments:**

Appendix  
Request for Approval of Drawing Correction  
Petition for Extension of Time

Date: August 26, 2002

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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## APPENDIX

## Changes to Claims:

Claims 5-8 are added.

The following are marked-up versions of the amended claims:

1. (Amended) An electrophoretic display device, comprising:  
~~\_\_\_\_\_ a substrate layer;~~  
~~a conductive film formed on the substrate layer;~~  
a microcapsule layer having a plurality of microcapsules and a binder affixing  
the plurality of microcapsules therein, each of the plurality of microcapsules containing a  
dispersion medium and electrophoretic particles; and  
~~a urethane-resin layer formed on the microcapsule layer including at least~~  
urethane resin,  
~~\_\_\_\_\_ the microcapsule layer being positioned between the conductive film and the~~  
resin layer.
2. (Amended) An electrophoretic display device ~~as set forth in claim 1, wherein~~  
~~the urethane resin layer is formed from a urethane resin composition according to claim 1, the~~  
resin layer including resin selected from the group consisting of acryl-based resin and  
olefin-based resin.
3. (Amended) ~~An electrophoretic display device as set forth in claim 1, wherein~~  
~~the urethane resin layer is formed to a thickness of 20 to 200  $\mu\text{m}$ . An electrophoretic display~~  
device, comprising:  
~~\_\_\_\_\_ a conductive film;~~  
~~\_\_\_\_\_ a microcapsule layer having a plurality of microcapsules containing a~~  
dispersion medium and electrophoretic particles; and

a resin layer including at least urethane resin, the microcapsule layer being positioned between the conductive film and the resin layer, wherein the resin layer is formed in a thickness of 20 to 200  $\mu\text{m}$ .

4. (Amended) An electrophoretic display device as set forth in claim 1, wherein the conductive film is a transparent electrode ~~formed on the substrate~~.